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On May 5, 2006

TOWNSEND and TOWNSEND and CREW LLP

By: [Signature]

PATENT

Attorney Docket No.: 022122-000410US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

BRIAN N. PIERCE

Application No.: 10/789,948

Filed: February 26, 2004

For: DISINFECTION, DESTRUCTION OF  
NEOPLASTIC GROWTH, AND STERIL-  
IZATION BY DIFFERENTIAL ABSORP-  
TION OF ELECTROMAGNETIC ENERGY

Customer No.: 20350

Confirmation No.: 5787

Examiner: Johnson III, Henry  
M.

Technology Center/Art Unit:  
3739

**TERMINAL DISCLAIMER**

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Sir:

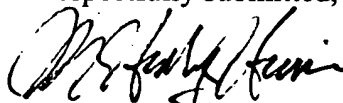
On behalf of the Applicant and the Assignee of this patent application, the undersigned attorney of record hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the earliest expiration date of the full statutory term defined in 35 U.S.C. §§154 to 156 and 173 of any patent granted on United States Patent Application No. 10/138,350, which is commonly owned with the instant application. It is further agreed that any patent granted on the instant application shall be enforceable only for and during such period that it and any patent granted on Application No. 10/138,350 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee(s), its successors and assigns.

In the event that, subsequent to the execution of this Terminal Disclaimer, the term of any patent granted on Application No. 10/138,350 is shortened due to one of the following occurrences: expiration for failure to pay a maintenance fee, a holding of unenforceability, a finding of invalidity by a court of competent jurisdiction, a statutory disclaimer in whole or a terminal disclaimer under 37 CFR §1.321, the cancellation of all claims by a reexamination certificate, a reissue, or any termination prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, there is no intent in the present disclaimer to disclaim a terminal part of any patent granted on the instant application as a result of such occurrence.

The undersigned certifies that the assignee of the instant application is indeed the assignee of the entire right, title and interest in both the instant patent application and each of the issued patents. The undersigned has reviewed all documents in the chain of title of both the instant patent application and Application No. 10/138,350, and certifies that, to the best of undersigned's knowledge and belief, title to Application No. 10/138,350 is in the assignee of the instant application.

The undersigned hereby declares that all statements made herein of his own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,



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